REMARKS

Claim 11 has been amended. Claims 11 and 19-29 remain pending in the present application. Support for the amendments is found in the specification and claims as filed. Accordingly, the amendments do not constitute the addition of new matter. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner rejected Claims 11 and 20-25 under 35 U.S.C. § 103(a) as being unpatentable over Mizutani et al. (*Biochemical and Biophysical Research Communications* 1998, 253, pages 859-863) in view of Casper et al. (WO 00/38620-A2) and further in view of CN 1127070.

According to M.P.E.P.2143.03, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art."

The Examiner relied on Mizutani et al. to show that resveratrol directly stimulates cell proliferation and differentiation of osteoblasts *in vitro*. Similarly, the Casper reference discloses the use of resveratrol for osteogenic cell differentiation and mineralized bone formation. CN 1127070 discloses a laundry list of ingredients for a composition and asserts numerous conditions that can be treated with administration of the composition.

As amended, Claim 11 recites, *inter alia*, "[a] method for increasing bone breaking load and strength in a mammal comprising: identifying a mammal having a need for increased bone breaking load and strength; and administering to said mammal at least one member selected from the compound represented by Formula (1)."

None of the recited prior art references disclose a limitation of "identifying a mammal having a need for increased bone breaking load and strength," as recited in Claim 11. Mizutani et al. discloses *in vitro* administration of resveratrol to osteoblastic cells. Likewise, Casper et al. utilized a chick periosteal osteogenesis model, rat stromal bone marrow cell line, and primary rat bone marrow cell bone formation system to study the bone loss and formation. All the examples in Mizutani et al. and Casper et al. rely on *in vitro* cell model systems. While the effects of administering a compound to the cell model system can be seen, none of Mizutani et al. or

Casper et al. identify a mammal having a need for increased bone breaking load and strength. Indeed, nothing in these references even remotely suggests that individuals having such a need can be treated using a compound of Formula 1.

CN 1127070 discloses a laundry list of ingredients for a composition and asserts numerous conditions that can be treated with administration of the composition. CN 1127070 discloses a health-promoting milk powder with general examples; none of the disclosure relates to a mammal having a need for increased bone breaking load and strength. None of the cited prior art references teaches or suggest a correlation of the preferred compounds and their use in mammals in need of increasing bone breaking load and strength.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 103(a).

Allowable Subject Matter

The Examiner stated that Claims 19 and 26-29 are allowed.

CONCLUSION

In view of the foregoing amendments and comments, it is respectfully submitted that the present application is fully in condition for allowance, and such action is earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully invited to call the undersigned in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Connie C. Tong
Registration No. 52,292
Agent of Record
Customer No. 20,995
(949) 760-0404

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